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INTERNET
WWW.CRBLAW.COM

June 24, 1999

RECEIVED

JUN 24 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

HAND DELIVERED

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

**Re: Request for Review by Bresnan Communications Company
of Decision of Universal Service Administrator
CC Docket Nos. 97-21 and 96-45**

Dear Secretary Salas:

Enclosed please find an original and four (4) copies of the the above-referenced Request for Review.

Should there be any questions, please contact the undersigned counsel.

Sincerely,


John C. Dodge

cc: Attached Service List

No. of Copies rec'd 014
LHM ABCDE

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:)	
)	
Request for Review by Bresnan Communications)	CC Docket Nos. 97-21 and 96-45
Company of Decision of Universal Service)	
Administrator)	
)	
To: Common Carrier Bureau		

REQUEST FOR REVIEW OF ADMINISTRATOR'S DECISION

Bresnan Communications Company ("Bresnan"), by its attorneys, hereby requests review of the "Administrator's Decision on Appeal" (the "Administrator's Decision") issued on May 25, 1999 by the Schools and Libraries Division of the Universal Service Administrative Company ("USAC") regarding two funding requests submitted by the Marquette-Alger Intermediate School District ("MAISD") for the 1998-1999 funding period. Bresnan is the provider of the telecommunications services underlying the funding requests and therefore has a specific interest in this matter. The USAC reference numbers associated with the funding requests which are the subject of this Request for Review are as follows: Billed Entity Number: 131738; Application Number: 13014; Funding Request Numbers: 60685, 60693; and SPIN No: 43004415.

I. PROCEDURAL HISTORY

MAISD received a funding commitment letter from USAC dated February 24, 1999 which denied the above-referenced funding requests. MAISD submitted a letter of appeal to USAC on March 17, 1999. On May 25, 1999, USAC responded with the Administrator's Decision and denied the appeal. The Administrator's Decision stated that the

funding requests were denied because Bresnan was not an eligible service provider.¹

According to USAC staff, the decision to deny the funding requests was based on USAC's classification of Bresnan as a "non-traditional service provider" ("NTP") which USAC defines as "a company that does not provide telecommunications services." Relying on this classification, USAC denied MAISD 1998-99 funding for the telecommunications services it receives from Bresnan. We explain below how Bresnan was erroneously classified as an "NTP" by USAC and clarify that Bresnan was a telecommunications carrier during 1998 and was eligible to receive support for the provision of telecommunications services to MAISD.

II. DISCUSSION

A. Bresnan Has Always Provided Telecommunications Services

Bresnan filed its Service Provider Information Form (FCC Form 498) with USAC in April 1998. In this filing, Bresnan listed "Toll Reseller" ("TRES") as the category which best described its communications business, in accordance with Form 498 instructions. Although Bresnan was also offering and providing high-speed broadband multi-point networks, point-to-point data, voice and video circuits and virtual private networks on a commercial basis to businesses, schools, libraries, cities and municipalities, these services did not clearly conform to any of the service provider category descriptions provided in the Form 498 instructions. As a provider of such services, which are offered for a fee directly to the public, or to classes of users as to be effectively available to the public, Bresnan was and is

¹ Copies of these letters are attached hereto as Exhibit 1.

a telecommunications carrier eligible to receive support for provision of the telecommunications services to MAISD.²

In early 1999, Bresnan received a telephone inquiry from USAC regarding its classification as a "toll reseller." Specifically, USAC asked why Bresnan had not filed a Form 457 reporting its 1998 revenue from its toll resale services. Bresnan's response to this specific question was that it did not have reportable revenue from these services during 1998 and therefore fell under the *de minimus* threshold.³ Based on this response, USAC changed Bresnan's classification to "non-traditional provider" or "NTP" for 1998. As a result of this change in USAC's records, Bresnan was not considered an "eligible" provider of the telecommunications services covered under MAISD's funding requests and the requests were denied. Whether Bresnan provided other telecommunications services during 1998 was not addressed by USAC during this telephone conversation. Bresnan did, in fact, provide intrastate telecommunications services during 1998.⁴

After discovering the basis for USAC's determination that Bresnan was not an eligible telecommunications carrier (i.e., USAC's improper classification of Bresnan as an "NTP"), Bresnan revisited the Form 498 and determined that it should have indicated "Other Local" ("OTHL") as its service provider category. This category encompasses

² In the Matter of Federal-State Joint Board on Universal Service, *Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72*, 13 FCC Rcd 5413 (1997).

³ See attached Affidavit of Michael DeMarco.

⁴ As a provider of intrastate services only, Bresnan was not required to file FCC Form 457 or to contribute to the Universal Service Fund.

telecommunications companies that provide local service that do not conform to one of the other categories listed, including the services listed in the above discussion. Bresnan has filed an amended FCC Form 498 with USAC, correcting the service provider category to "OTHL."⁵ Accordingly, USAC's records will now reflect Bresnan's status as a telecommunications service provider eligible to receive support for provision of the telecommunications services to MAISD, which status extends back through 1998, given that Bresnan was then providing these same services.

III. CONCLUSION

For the reasons stated above, Bresnan asks the Bureau to reverse the Administrator's Decision and approve MAISD's Funding Request Numbers 60685 and 60693. We request the Bureau act expeditiously on this petition in accordance with the Commission's stated approach regarding appeals of USAC decisions.⁶

Respectfully submitted,

Bresnan Communications Company

By: _____

John C. Dodge

CODE, RAYWID & BRAVERMAN, L.L.P.

1919 Pennsylvania Avenue, N.W.

Suite 200

Washington, D.C. 20006

(202) 659-9750

Their Attorney

⁵ Copies of the original Form 498 (dated April 2, 1998) and the amended filing (dated June 23, 1999) are attached hereto as Exhibit 2.

⁶ Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; Federal-State Joint Board on Universal Service, *Third Report and Order in CC Docket No. 97-21, Fourth Order on Reconsideration in Docket No. 97-21 and Eighth Order on Reconsideration in CC Docket No. 96-45*, (rel. November 20, 1998) at para. 70. "We expect that the Bureau and the Commission will act promptly to resolve appeals of USAC decision."

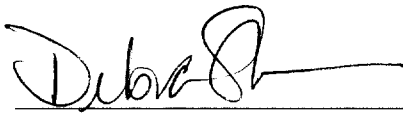
June 24, 1999

CERTIFICATE OF SERVICE

I, Debra Sloan, hereby certify that a true and correct copy of the foregoing document has been sent by first-class mail, postage prepaid, this 24th day of June, 1999 to the following:

Universal Service Administrative Co.
Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

Betty Burke-Coduti
Marquette-Alger ISD
427 West College Avenue
Marquette, MI 49855-2799

A handwritten signature in dark ink, appearing to read 'Debra Sloan', is written over a horizontal line.

Debra Sloan

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:

Request for Review by Bresnan Communications
Company of Decision of Universal Service
Administrator

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CC Docket Nos. 97-21 and 96-45

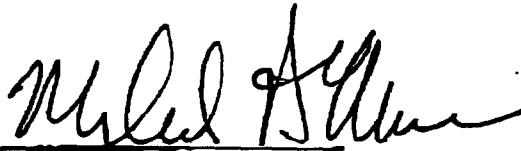
AFFIDAVIT OF MICHAEL DEMARCO

I, Michael DeMarco, do hereby state:

1. I am Special Projects Manager for Bresnan Communications Company.

2. During the first quarter of 1999, I received a telephone call from a representative of USAC asking why Bresnan had not filed FCC Form 457 reporting its 1998 revenue from its toll resale services. I responded that Form 457 was not filed because Bresnan did not have reportable revenue from toll resale services during 1998 and therefore, under the *de minimus* exemption, was not required to file Form 457.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.


Michael DeMarco

Subscribed and sworn before me this th 24 day of June, 1999.

EXHIBIT 1

USAC
UNIVERSAL SERVICE
ADMINISTRATIVE CO.
Schools and Libraries
Division

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

MARQUETTE-ALGER I S D
Betty Burke Coduti
427 W COLLEGE AVE
MARQUETTE MI 49855-2703

February 24, 1999

Re: Form 471 Application Number: 13014
Funding Year: 1998
Billed Entity Number: 131738

We have completed our review of your FCC Form 471, Services Ordered and Certification Form, and made decisions with respect to your requests for discounts along with other applications received within the same time period. This letter is to advise you of our decisions.

As you may know, the Federal Communications Commission (FCC) in June 1998 made two changes to the Universal Service Fund for schools and libraries that have direct bearing on your discount request for 1998. First, the 1998 program year has been extended by six months, for a new ending date of June 30, 1999. Second, the FCC established new funding priorities whereby all eligible applicants will receive discounts for eligible telecommunications services and Internet access. Support for internal connections will be allocated in accordance with need so that schools and libraries will receive discounts in order of the discount percentages for which they qualify beginning with applications qualifying for the highest discount percentages. Discounts for internal connections will continue until all funds are exhausted. These changes are reflected in the information in this letter regarding your discount request.

On the following page(s) is a list, by row of Items 15 and 16 of your FCC Form 471. For each item, there is a Funding Request Number (FRN) and several other

If you have any questions about our decisions on your discounts, you may send them in writing to the Schools and Libraries Division/USAC, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981.

FCC Form 471 Applicants who are approved for discount eligibility are reminded that they continue to be subject to audits and other reviews that the SLD may undertake to assure that discounted services are being used in compliance with program rules. If the SLD discovers that discounted services are not being used in compliance with program rules, 471 Applicants will be subject to enforcement activities and other means of recourse by the SLD and other appropriate Federal, state, and local authorities.

On the following pages we provide you with a synopsis of the discount eligibility decision for each item you requested. To help understand this synopsis the following definitions are provided:

- 02/24/1999

- * **Earliest Possible Effective Date of Discount:** The first possible date of service for which the SLD will reimburse the service provider for discounted services. Note: If the actual service start date provided on a Form 486 is later than this date, the actual service start date set forth in the Form 486 will be the effective date of the discount.
- * **Contract Expiration Date:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.
- * **Estimated Total Annual Pre-discount Cost:** Amount in Column 10 of Item 15/16, Form 471 as determined through the application review process, PLUS an automatic extension of monthly costs for Telecommunications Services and Internet Access through June 30, 1999. Please note that, during the Problem Resolution process at SLD, the amount in Col. 10 of Item 15/16 may have been corrected to conform to the information provided about Service Start Date and Monthly Costs.
- * **Discount Percentage Approved by SLD:** This is the discount rate that the SLD has approved for this service.
- * **Funding Commitment Decision:** This represents the total amount of funding that the SLD is now reserving to reimburse service providers for the cost of the discount for this service. This figure may be different from the Estimated Total Annual Pre-Discount Cost (Col. 10 of Item 15/16) times the Percentage Discount (Col. 11 of Item 15/16) in your application. It may be higher because of the addition of the monthly cost for Telecommunications Services and Internet Access for the six months from January 1, 1999, through June 30, 1999. It may be lower because of an adjustment determined appropriate by the SLD, such as of the discount percentage, or a denial of discounts and, if so, the accompanying comment will explain this difference. The difference may also reflect a reduction from the request level made necessary by overall funding limitations, in which case the "Funding Status" above will indicate "Partially Funded" or "Unfunded." Whatever amount is listed here, it is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts on only eligible, approved services actually rendered.
- * **Funding Commitment Decision Explanation:** This entry may appear to amplify the comment in the "Funding Commitment Decision," if the discount request for this service is denied for reasons other than "Unfunded" or if the SLD determined that some adjustment to the request level was appropriate.

Using the Enclosed FCC Form 486 and Invoice

FCC Form 486: You will use this form to notify the SLD that you are currently receiving or have already received services for which discounts have been approved. Your completed Form 486 allows us to begin processing invoices from your service providers for your discounts. It also sets in motion the process by which you and your service provider can invoice SLD for approved services you have already paid for.

Each Billed Entity Applicant must file a separate Form 486, although each Billed Entity's Form 486 may include services from multiple Forms 471 if the same Billed Entity Number is listed on the various Funding Commitment Decision letters that you receive. When completing your Form 486, please be certain to use the Billed Entity Number as listed at the beginning of this Funding Commitment letter. (We may have revised or corrected the Billed Entity Number from your original Form 471, so please use the number exactly as it is listed in this letter.)

To assist in completing your Form 486, we have pre-printed your Block 1 information, including the Billed Entity Number. Please review the pre-printed

Billed Entity Applicant Reimbursement Form: If you have already paid in full for services for which you are now being approved for discounts, you can use the enclosed Billed Entity Applicant Reimbursement Form to seek reimbursement from your service provider. This Form is not for use by service providers, who have their own invoice form. If you plan to submit a Billed Entity Applicant Reimbursement Form, please read and follow the instructions carefully regarding the Form as well as the Form 486 to avoid delay in processing your reimbursement.

SLD Funding Notification Synopsis for Application Number: 00013014

Funding Request Number: 00009116 Funding Status: Unfunded or Denied
SPIN: 143004331 Service Provider Name: Merit Network Inc.
Provider Contract Number: 7637
Services Ordered: Internal Connections (Shared)
Effective Date of Discount: 03/21/1998 Contract Expiration Date: 12/31/1998
Estimated Total Annual Pre-discount Cost: \$28,877.00
Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discont will NOT be funded
Funding Commitment Decision Explanation: The category of service changed from Internet Access to Internal Connections. Funding cap will not provide for Internal Connections less than 62% discount to be funded.

Funding Request Number: 00009119 Funding Status: Unfunded or Denied
SPIN: 143004331 Service Provider Name: Merit Network Inc.
Provider Contract Number: 70099
Services Ordered: Internal Connections (Shared)
Effective Date of Discount: 03/21/1998 Contract Expiration Date: 12/31/1998
Estimated Total Annual Pre-discount Cost: \$28,285.00
Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discont will NOT be funded
Funding Commitment Decision Explanation: The category of service changed from Internet Access to Internal Connections. Funding cap will not provide for Internal Connections less than 62% discount to be funded.

Funding Request Number: 00009120 Funding Status: Unfunded or Denied
SPIN: 143004331 Service Provider Name: Merit Network Inc.
Provider Contract Number: 520275
Services Ordered: Internal Connections (Shared)
Effective Date of Discount: 02/01/1998 Contract Expiration Date: 12/31/1998
Estimated Total Annual Pre-discount Cost: \$19,708.96
Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discont will NOT be funded
Funding Commitment Decision Explanation: The category of service changed from Internet Access to Internal Connections. Funding cap will not provide for Internal Connections less than 62% discount to be funded.

Funding Request Number: 00060685 Funding Status: Unfunded or Denied
SPIN: 143004415 Service Provider Name: Bresnan Communications Company, LP
Provider Contract Number: C
Services Ordered: Telecommunications Services
Effective Date of Discount: 01/01/1998 Contract Expiration Date: 04/01/2001
Estimated Total Annual Pre-discount Cost: \$89,876.28
Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$0.00 - Non - telecomm provider
Funding Commitment Decision Explanation: The SPIN is a service provider that is not a common carrier provider of telecommunications services, and therefore, is not eligible to receive reimbursement for telecommunications services.

Funding Request Number:00060693 Funding Status: Unfunded or Denied
SPIN: 143004415 Service Provider Name: Bresnan Communications Company, LP
Provider Contract Number: C
Services Ordered: Telecommunications Services
Effective Date of Discount: 01/01/1998 Contract Expiration Date: 08/01/2001
Estimated Total Annual Pre-discount Cost: \$53,862.46
Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$0.00 - Non - telecom provider
Funding Commitment Decision Explanation: The SPIN is a service provider that is not a common carrier provider of telecommunications services, and therefore, is not eligible to receive reimbursement for telecommunications services.

Funding Request Number:00062042 Funding Status: Unfunded or Denied
SPIN: 143004415 Service Provider Name: Bresnan Communications Company, LP
Provider Contract Number: 26982
Services Ordered: Internal Connections (Shared)
Effective Date of Discount: 01/05/1998 Contract Expiration Date: 12/31/1998
Estimated Total Annual Pre-discount Cost: \$27,820.00
Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discont will NOT be funded
Funding Commitment Decision Explanation: Funding cap will not provide for Internal Connections less than 62% discount to be funded. Please see WWW.SLCFUND.ORG what's New Area for further details.

Funding Request Number:00062049 Funding Status: Funded
SPIN: 143004331 Service Provider Name: Merit Network Inc.
Provider Contract Number: 517786
Services Ordered: Internet Access
Effective Date of Discount: 01/01/1998 Contract Expiration Date: 12/31/1998
Estimated Total Annual Pre-discount Cost: \$3,600.00
Discount Percentage Approved by SLD: 59%
Funding Commitment Decision: \$2,124.00 - 471 approved; modified by SLC

Funding Request Number:00062058 Funding Status: Funded
SPIN: 143004331 Service Provider Name: Merit Network Inc.
Provider Contract Number: 515328
Services Ordered: Internet Access
Effective Date of Discount: 01/01/1998 Contract Expiration Date: 12/31/1998
Estimated Total Annual Pre-discount Cost: \$15,552.00
Discount Percentage Approved by SLD: 59%
Funding Commitment Decision: \$9,175.68 - 471 approved; modified by SLC

Benny Burke-Coduri
Marquette-Alger ISD
427 West College Avenue
Marquette, MI 49955
Phone: (906) 226-5132
Fax: (906) 226-5141

March 17, 1999

Letter of Appeal
Schools and Library Division
Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

Dear Sir or Madam:

I am writing this "letter of appeal" in regards to a funding commitment letter that our district received dated February 24, 1999. This Funding Request Letter for the *Marquette-Alger ISD (Billed Entity Number: 131738)* is for Form 471 application number 13014. In this letter there are several funding requests that were denied or unfunded. We are appealing the following funding requests:

Funding Request Number 00009116 was not funded for an *Estimated Total Annual Pre-discount Cost of \$28,877* and a *Funding Commitment Decision of \$0.00*. The *Funding Commitment Decision Explanation: The category of service changed from Internet Access to Internal Connections. Funding cap will not provide for Internal Connections less than 62% discount to be funded.*

*We believe the change in category was in error because these are Internet Access expenses and not Internal Connections. This category shouldn't have been changed without some contact or discussion with us and/or our service provider.

Funding Request Number 00009118 was not funded for an *Estimated Total Annual Pre-discount Cost of \$28,285* and a *Funding Commitment Decision of \$0.00*. The *Funding Commitment Decision Explanation: The category of service changed from Internet Access to Internal Connections. Funding cap will not provide for Internal Connections less than 62% discount to be funded.*

*We believe the change in category was in error because these are Internet Access expenses and not Internal Connections. This category shouldn't have been changed without some contact or discussion with us and/or our service provider.

Funding Request Number 00009120 was not funded for an *Estimated Total Annual Pre-discount Cost of \$19,708.96* and a *Funding Commitment Decision of \$0.00*. The *Funding Commitment Decision Explanation: The category of service changed from Internet Access to Internal Connections. Funding cap will not provide for Internal Connections less than 62% discount to be funded.*

*We believe the change in category was in error because these are Internet Access expenses and not Internal Connections. This request funds a T1 Internet Access service to our local schools. This category shouldn't have been changed without some contact or discussion with us and/or our service provider.

Funding Request Number 00060685 was not funded for an *Estimated Total Annual Pre-discount Cost of \$89,876.28* and a *Funding Commitment Decision of \$0.00*. The *Funding Commitment Decision Explanation: The Spin is a service provider that is not a common carrier provider of telecommunications services, and therefore, is not eligible to receive reimbursement for telecommunications services.*

*We believe this is an error in that our first Funding Commitment Decision letter (dated January 26, 1999 - Form 471 Application Number: 58856) approved these same type of new services for the same service provider (Bresnan Communications Company, LP). Please see the enclosed prior FCD. Several other area schools working with this service provider have also received funding and this service provider in every instance was an eligible provider as well. Please see the attached letter from our service provider.

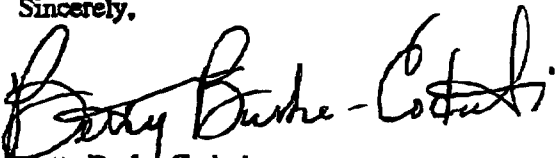
Funding Request Number 00060693 was not funded for an *Estimated Total Annual Pre-discount Cost of \$53,862.46* and a *Funding Commitment Decision of \$0.00*. The *Funding Commitment Decision Explanation: The Spin is a service provider that is not a common carrier provider of telecommunications services, and therefore, is not eligible to receive reimbursement for telecommunications services.*

*We believe this is an error in that our first Funding Commitment Decision letter (dated January 26, 1999 - Form 471 Application Number: 58856) approved these same type of new services for the same service provider (Bresnan Communications Company, LP). Please see the enclosed prior FCD. Several other area schools working with this service provider have also received funding and this service provider in every instance was an eligible provider as well. Please see the attached letter from our service provider.

Based on this information, we request that the SLD review these funding requests, the attached information and re-evaluate the funding commitment decisions. I believe that this is simply a reviewer error. All other information on this funding request seems to be correct. If there was an error in a category or service provider eligibility, could you please provide me with the information necessary to resolve this matter? When it becomes necessary, we would also like to share this information and discussion with Jeff Ogden our primary contact at Merit, and Mike DeMarco our primary contact at Bresnan. Enclosed please find copies of the SLC Funding Notification Letter and the Form 471 that are in question as well as the previous funding commitment letter and the explanation of services from our Internet Service Provider (Merit).

Should you have any questions regarding this matter, I can be reached at (906)226-5132 or by e-mail at bcoduti@maisk12.mi.us. Thank you for your cooperation.

Sincerely,


Betty Burke-Coduti

Bresnan Communications
709 Westchester Avenue
White Plains, NY 10604-3023
914 993 6600
914 993 6601 fax

BRESNAN

March 22, 1999

Schools & Libraries Corporation
Box 125 - Corresponder Unit
100 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This letter is to confirm that Bresnan Communications Company is recognized as an eligible service provider of telecommunications services (SPIN:143004415) and is participating in the Universal Service Fund Program of the Schools & Libraries Corporation. We have several customers who have been awarded reimbursement discounts under your program and we have been recognized as a common carrier provider of telecommunications service. Marquette-Alger Intermediate School District is one of our customers and has the following three contracts or interactive voice, video and data services:

Customer acct # 280-01

Contract for Interactive Video Network Services between NMU Control Site and superior Central HS in Eben, MI, per attachment II of agreement dated February 10, 1995 for annual payment of \$43,090. 6043 - SEN

Customer Acct# 279-01

Contract for Interactive Video Network Services between NMU Control Site and four (4) Marquette County sites: Gwinn HS, Marquette HS, Negaunee HS, and MAISD per Attachment II of agreement dated October 1, 1993 for annual payment of \$71,901. 6045 - SEN

Customer Acct. # 172585-01

Contract for Interactive Video Network Services between NMU Control Site and three (3) additional sites in Ishpeming HS, Munising HS, and Westwood HS per agreement dated September 1, 1998 of annual payment of \$61,000.

We hope that this information is adequate for your purposes and confirms our status as an eligible common carrier provider of telecommunications services. If you have any further questions regarding these contracts or services, please don't hesitate to contact Mike DeMarco of Bresnan (914-993-6668) or Betty Burke-Codti of MAISD (906-226-5132)

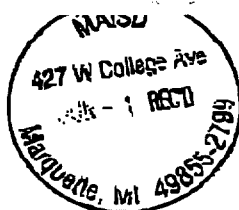
Sincerely,


Mike DeMarco

USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981



SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Appeal

May 25, 1999

Betty Burke-Coduti
Marquette-Alger ISD
427 West College Avenue
Marquette, MI 49855

Re: Billed Entity Number: 131738
Application Number: 13014
Funding Request Number(s): 9116, 9118, 9120, 60685, 60693
Your Correspondence Dated: March 17, 1999

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal which seeks approval of additional discounts for the first program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the above referenced Application Number. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number included in your appeal.

Funding Request Number(s): 9116, 9118, 9120
Decision on Appeal: Denied in full.

The following explanation is provided to inform you of the reason for our decision on appeal of these Funding Request Numbers, for those appeals that are denied in full.

Denial Reason(s):

- Services the applicant requested listed as Internet access, included some internal connections services (router, cables). These services are listed as Internal Connections on the Eligible Services Matrix and are considered internal connections regardless of use. These funding requests were categorized as internal connections services so as to avoid the possibility of treating priority two services (internal connections) as priority one services (telecommunications, dedicated and Internet access services). Since internal connections are funded only at the 70% level or above, these services could not be supported for this funding period.

Funding Request Number(s): 60685, 60693
Decision on Appeal: Denied in full.

The following explanation is provided to inform you of the reason for our decision on appeal of these Funding Request Numbers, for those appeals that are denied in full.

Denial Reason(s):

- These services are provided by an ineligible service provider and resulted in the denial of funding. The service provider, Bresnan Communications, was not an eligible telecommunications provider outside the state of New York in 1998. They are an eligible telecommunications provider as of March 1999 in New York State only.
- We are now reviewing other similar funding commitments to determine compliance with program rules.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <www.sl.universalservice.org>. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be timely filed.

Once this appeal decision letter is issued to you, we can and will process invoices that may be submitted for Funding Request Numbers approved for discounts in the Funding Commitment Decisions Letter that was originally issued to you.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

EXHIBIT 2

Bresnan Communications
709 Westchester Avenue
White Plains, New York 10604-3023
914 993 6600
914 993 6601 fax

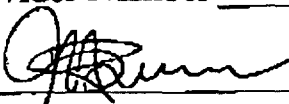
BRESNAN

April 2, 1998

USAC Database Administration
USAC
100 South Jefferson Road
Whippany, New Jersey 07981

I certify that I have provided the information on the attached service
Provider Information Form and to the best of my knowledge, information
and belief, all information contained in these form is true and that said form
is and accurate statement of the affairs of the above-named service provider.

Service Provider Number 143004415

Signature  Date 4/3/98

Printed name of authorized person MICHAEL BRESNAN

Title or position of authorized person SR. VICE PRESIDENT - DOMESTIC DIVISION

FCC Form 498

March 1998

Universal Service Administrative Company

Approved by OMB

3090-0024

Expires 09/30/1998

Avg. Burden Est.

Per Response: 1 hour

Service Provider Information Form

(Please Read Instructions Before Completing Form)

Block 1: General Information

1. Full Legal Name of Service Provider BRESNAN COMMUNICATIONS COMPANY, LP		2. TRS Company Code (if applicable)	
3. USAC Service Provider Number (Assigned by USAC) 143004415		4. Principal Communications Business (See Instructions) TRES	
5. Service Provider's Street Address, P.O. Box, or Route Number 709 WESTCHESTER AVE			
City White Plains		State NY	Zip Code 10604
6. Federal Employer Identification Number 38-2558446		7. Indicate (X) Business Structure <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Other	
8. Name of Service Provider's Contact Michael DeMarco		9. Telephone Number (914)-993-6668	
		10. FAX Number (914)-993-6602	
11. Address of Service Provider's Contact - Street Address, P.O. Box, or Route Number 709 WESTCHESTER AVE		11a. E-mail Address mdemarco@bresnan.com	
City White Plains		State NY	Zip Code 10604

Block 2: Schools & Libraries and Rural Health Care Programs Information

Service Provider's Schools & Libraries and Rural Health Care Programs Contacts

12. Name of Service Provider's Schools & Libraries Program Contact Michael DeMarco		13. Telephone Number (914)-993-6668		14. FAX Number (914)-993-6602	
15. Address of Service Provider's Schools & Libraries Program Contact - Street Address, P.O. Box, or Route Number 709 Westchester Ave					
City White Plains		State NY		Zip Code 10604	
16. Name of Service Provider's Rural Health Care Program Contact Same as above		17. Telephone Number		18. FAX Number	
19. Address of Service Provider's Rural Health Care Program Contact - Street Address, P.O. Box, or Route Number Same as above					
City		State		Zip Code	

Schools & Libraries and Rural Health Care Payment Information

In accordance with FCC rules Part 54.515 and 54.611, USAC will offset service provider Schools & Libraries Invoices against the provider's universal service support obligation at their request, and shall offset service provider Rural Health Care Invoices against the provider's universal service obligation.

Is the service provider requesting to have their Schools & Libraries Invoices offset against the providers universal service obligation? ☐ Yes ☒ No

(SEE SPECIFIC INSTRUCTIONS FOR ITEMS 20 THROUGH 33)

20. Name of Remittance Company BRESNAN COMMUNICATIONS COMPANY, LP			
21. Address of Remittance Company - Address, P.O. Box, or Route Number 709 Westchester Ave			
City White Plains		State NY	Zip Code 10604
22. Name of Remittance Contact Mike DeMarco		23. Telephone Number (914)-993-6668	
		24. FAX Number (914)-993-6602	
25. Name of Remittance Bank (Required only if selecting ACH or locked box transfer of funds)			
26. Remittance Auto Clearing House (ACH) Number and bank account (Required only if selecting ACH transfer of funds)			
ACH bank transfer number		Bank account number	

FCC Form 498

March 1998

Universal Service Administrative Company

Page 2

Service Provider Information Form

Contributor Company Information for Schools & Libraries and Rural Health Care Programs

27. Name of Contributor Company		28. Contributor's TRS Company Code	
29. USAC Service Provider Number of Contributor Company			
30. Address of Contributor Company - Street Address, P.O. Box, or Route Number			
City		State	Zip Code
31. Name of Contributor Company Contact		32. Telephone Number	33. FAX Number
34. This filing is an: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revision			

Certification: This form must be accompanied with a letter of authorization, on company letterhead, certifying the accuracy of the information provided. (See Instructions, page 2, and Attachment A to the Instructions.)

Check here ☒ to indicate that letterhead is attached.

PERSONS MAKING WILLFUL FALSE STATEMENTS ON THE FORM CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER THE COMMUNICATIONS ACT OF 1934, AS AMENDED, 47, U.S.C 220(e).

Forward completed form along with a letter of authorization to:

Attention: USAC Database Administrator
USAC
100 South Jefferson Rd.
Whippany, NJ 07981

Notice: The Federal Communications Commission has designated the Universal Service Administrative Company (USAC) as temporary administrator of the universal service support mechanisms for schools & libraries and rural health care programs. One of the functions of USAC is to provide a mechanism for the billing and collection of funds for the various programs. In an effort to implement these requirements and obligations, the Commission has adopted this collection of information. Pursuant to sections 54.515 and 54.611 of the Commissions rules, 47 CFR Sections 54.515 and 54.611, USAC must obtain information relating to: service provider name and address, telephone number, Federal employee identification number, contact names and telephone numbers, and billing and collection information. This form should be completed by each service provider receiving universal service support under the schools and libraries and rural health care programs. USAC will use this information in administering the billing and collection operations of the universal service support.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid Office of Management and Budget (OMB) control number. This collection has been assigned an OMB control number of 3060-0824.

We have estimated that each response to this collection of information will take, on average, 1 hour. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Washington, D.C. 20554, Paperwork Reduction Project (3080-0824). We also will accept your comments via Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

The foregoing Notice is required by the Privacy Act of 1974, P.L. 93-579, December 31, 1994, 5 U.S.C. 552a(e)(3), and the Paperwork Reduction Act of 1995, P.L. 104-13, 44 U.S.C. Section 3501.

The Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information that you provide for billing and collection purposes. If we believe there may be a violation or potential violation of a statute or a Commission regulation, rule or order, your form may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation, or order. In certain cases, the information in your Form may be disclosed to the Department of Justice, court, or other adjudicative body when (a) the Commission; or (b) any employee of the Commission; or (c) the United States government, is a party to a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide also may be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies, and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt. The Commission also may provide this information to those agencies through the matching of computer records where authorized.

Bresnan Communications
709 Westchester Avenue
White Plains, New York 10604
914-893-6600
914-998-6601 fax

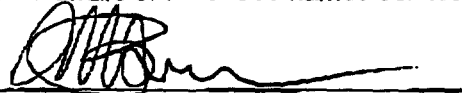
BRESNAN

June 23, 1999

USAC
100 South Jefferson Road
Whippany, New Jersey 07981

Attention: USAC Database Administrator

I certify that I have provided the information on the attached Service Provider Information Form to the best of my knowledge, information and belief, all information contained in this form is true and that said form is an accurate statement of the affairs of the above-named service provider.



Michael Bresnan
Sr. Vice President - Domestic Division
June 23, 1999

Service Provider Number

143004415

FCC Form 498

September 1998

Universal Service Administrative Company

Approved by OMB

3060-0824

Expires 09/30/2001

Avg. Burden Est.

Per Response: 1 hour

Service Provider Information Form

(Please Read Instructions Before Completing Form)

Block 1: General Information

1. Full Legal Name of Service Provider Bresnan Communications Company, LP		2. TRS Company Code (If applicable)	
3. USAC Service Provider Number (Assigned by USAC) 143004415		4. Principal Communications Business (See Instructions) OTHL	
5. Service Provider's Street Address, P.O. Box, or Route Number 709 Westchester Ave.			
City White Plains		State NY	Zip Code 10604
6. Federal Employer Identification Number 38-2558446		7. Indicate (X) Business Structure <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Other	
8. Name of Service Provider's Contact Michael DeMarco		9. Telephone Number (914) 993-6668	
10. FAX Number (914) 993-6602		11a. E-mail Address mdemarco@bresnan.com	
11. Address of Service Provider's Contact - Street Address, P.O. Box, or Route Number 709 Westchester Ave.		11b. City White Plains	
State NY		Zip Code 10604	

Block 2: Schools & Libraries and Rural Health Care Programs Information**Service Provider's Schools & Libraries and Rural Health Care Programs Contacts**

12. Name of Service Provider's Schools & Libraries Program Contact Michael DeMarco		13. Telephone Number (914) 993-6668		14. FAX Number (914) 993-6602	
15. Address of Service Provider's Schools & Libraries Program Contact - Street Address, P.O. Box, or Route Number 709 Westchester Ave.					
City White Plains		State NY	Zip Code 10604		
16. Name of Service Provider's Rural Health Care Program Contact Same as above		17. Telephone Number		18. FAX Number	
19. Address of Service Provider's Rural Health Care Program Contact - Street Address, P.O. Box, or Route Number Same as above					
City		State	Zip Code		

Schools & Libraries and Rural Health Care Payment Information

In accordance with FCC rules Part 54.515 and 54.511, USAC will offset service provider Schools & Libraries invoices against the provider's universal service support obligation at their request, and shall offset service provider Rural Health Care invoices against the provider's universal service obligation.

Is the service provider requesting to have their Schools & Libraries invoices offset against the providers universal service obligation? ☐ Yes ☒ No

(SEE SPECIFIC INSTRUCTIONS FOR ITEMS 20 THROUGH 33)

20. Name of Remittance Company Bresnan Communications Company, LP			
21. Address of Remittance Company - Address, P.O. Box, or Route Number 709 Westchester Ave.			
City White Plains		State NY	Zip Code 10604
22. Name of Remittance Contact Michael DeMarco		23. Telephone Number (914) 993-6668	
24. FAX Number (914) 993-6602		25. Name of Remittance Bank (Required only if electing ACH or locked box transfer of funds)	
26. Remittance Auto Clearing House (ACH) Number and bank account (Required only if electing ACH transfer of funds)			
ACH bank transit number		Bank account number	

FCC Form 498

September 1998

Universal Service Administrative Company

Page 2

Service Provider Information Form

Contributor Company Information for Schools & Libraries and Rural Health Care Programs

27. Name of Contributor Company		28. Contributor's TRS Company Code
29. USAC Service Provider Number of Contributor Company		
30. Address of Contributor Company - Street Address, P.O. Box, or Route Number		
City	State	Zip Code
31. Name of Contributor Company Contact	32. Telephone Number	33. FAX Number
34. This filing is an: <input type="checkbox"/> Original <input checked="" type="checkbox"/> Revision		

Certification: This form must be accompanied with a letter of authorization, on company letterhead, certifying the accuracy of the information provided.
(See instructions, page 2, and Attachment A to the instructions.)

Check here ☒ to indicate that letterhead is attached.

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USAC
100 South Jefferson Rd.
Whippany, NJ 07981

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If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide also may be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies, and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt. The Commission also may provide this information to those agencies through the matching of computer records where authorized.